

1 Fr 1647



ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

January 28, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/062,113
Filing Date: April 17, 1998
Title: Novel Proteins and Methods for Producing the Proteins
Applicants: Masaaki GOTO *et al.*
Atty. Docket: 16991.012

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. an Applicants' Inquiry Concerning Suspension of Action by the Examiner; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387 referencing matter number 16991.012. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. Atty. No. 41,408)
Rachel L. Adams (Reg. Atty. No. 54,660)
Kristan L. Lansbery (Reg. Agent No. 53,183)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Masaaki GOTO *et al.*

Appln. No.: 09/062,113

Filed: April 17, 1998

For: *Novel Proteins and Methods for
Producing the Proteins*

Art Unit: 1647

Examiner: David S. Romeo

Confirmation No.: 2563

Atty. Docket: 16991.012

**Applicants' Inquiry Concerning Suspension of
Action by the Examiner**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request the Commissioner for a status update on the suspension of the above-identified application.

According to the U.S. Patent and Trademark Office ("the Office" hereinafter), the above-referenced application was suspended for a six-month period to await a reference relevant to the examination of this application under 37 C.F.R. §1.103. *See* Paper No. 27, mailed February 21, 2002. Following the first, six-month suspension period, Application No. 08/469,637 was cited as a potential reference, and Applicants were informed that the instant application was suspended for another six-month period. *See* Paper No. 32, mailed November 19, 2002. Applicants have experienced two additional six-month suspension periods. *See* Paper No. Paper No. 35, mailed August 12, 2003 and Paper No. 200405, mailed May 12, 2004. The fourth, six-month suspension period expired on November 12, 2004.¹

¹ Meanwhile, according to public records, Application No. 08/469,637 (the application cited on November 19, 2002 as an unavailable reference relevant to the examination of the instant application) has been allowed and the issue fee was paid on March 11, 2003. Moreover, five continuing applications claim priority to the "unavailable" reference, two of which were published on October 17, 2002 and September 4, 2003.

Since the last official communication with the Office, Applicants filed a status inquiry on November 19, 2004 and have not received a response.

Applicants respectfully request that, even if the application status has not changed, the Office provide an official communication confirming the application is pending and there are no outstanding requirements or issues that require Applicants' attention. Applicants respectfully request that the Examiner in charge of this case provide a status update to the undersigned as soon as possible by calling 202-942-5186.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristan Lansbery". The signature is fluid and cursive, with the first name "Kristan" and last name "Lansbery" clearly distinguishable.

David R. Marsh (Reg. Attorney No. 41,408)
Rachel L. Adams (Reg. Attorney No. 54,660)
Kristan L. Lansbery (Reg. Agent No. 53,183)

Date: January 28, 2005

ARNOLD & PORTER LLP
555 Twelfth Street, N.W.
Washington, D.C. 20004
202.942.5000 telephone
202.942.5999 facsimile